



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,251	02/02/2004	Michael J. Halliday	31571-1001	9448
5179 7590 11/10/2008 PEACOCK MYERS, P.C. 201 THIRD STREET, N.W. SUITE 1340 ALBUQUERQUE, NM 87102			EXAMINER KWEXCTNSKL RYAND	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 11/10/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/770,251

**Applicant(s)**

HALLIDAY, MICHAEL J.

**Examiner**

RYAN D. KWIECINSKI

**Art Unit**

3635

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,7,8,10-18,21-42 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,10-18,21-42 and 45-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/20/2008

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Sophie Curtis Article, Sophie Curtis Image



**DETAILED ACTION**

***Claim Objections***

**Claim 1 is objected to because of the following informalities:**

**Claim 1, line 3**, "tube rectilinear" should read –tube being rectilinear--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Article Sophie Curtis.**

**Claim 1:**

The article discloses a skylight system comprising:

a tapered light tube (Page 6, first photo and Paragraph) comprising a tube (square wall formation forming the skylight) comprising a top (part of wall connected to

skylight dome) and a bottom (bottom of wall that completely opens into room below), said tapered light tube rectilinear along its entire length (picture) and wider at said top than at said bottom (see picture); and

a skylight (dome at the top of the tube) at said top of said tube.

**Claims 18, 22-23, 28, 41-42, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,363,667 B2 to O'Neill.**

**Claim 18:**

O'Neill discloses an installed skylight system on a roof comprising:

a tapered, rectilinear light tube (18, Fig.4B) directly contacting the roof with no flashing (the top of the tube directly contacts the roof without installing a flashing member as seen in Fig.4B; although O'Neill later discloses using a flashing member on the roof, the tube does contact the roof directly without a flashing as recited in the claims);

a diffused dome (17, Fig.4B; Column 7, lines 5-10; Column 12, lines 15-20) disposed at and sealed (Column 8, lines 20-26; Column 11, lines 40-45) at a top of said light tube;

a diffuser (20, Fig.4B; Column 7, lines 24-31) disposed at and sealed at a bottom of said light tube (Column 8, lines 20-26; Column 11, lines 40-45);

said combination of said light tube, said top dome and said bottom diffuser permanently sealed (the use of tapes and sealants that prevent the entrance of dust, dirt, and moisture are considered permanent sealants).

**Claims 22-23:**

O'Neill discloses the skylight system of claim 18, wherein said bottom diffuser comprises complete diffusion on its interior (Column m7, lines 28-31) and that diffusion comprises a prismatic diffuser (Column 7, lines 28-31).

**Claim 28:**

O'Neill discloses the skylight system of claim 18 wherein said light tube further comprises a reflective interior (Column 7, lines 13-16).

**Claims 41 and 42:**

O'Neill discloses the skylight system of claim 18, wherein said dome comprises a diffused dome and said dome is a completely diffused dome on its interior (Column 7, lines 5-10; a translucent structure would be a completely diffused structure).

**Claim 46:**

O'Neill discloses the skylight system of claim 18 wherein said diffused dome comprises a randomly diffused dome (Column 7, lines 3-10; Column 12, lines 16-18; the

different shapes of domes as well as colored domes, partially transparent domes, etc. will lead to random diffusion of the light passing through the dome).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-4, 7-8, 10-11, 16, 30-32, 37-40, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of Sophie Curtis article.**

**Claim 1:**

O'Neill discloses a skylight system comprising:

a tapered light tube (18, Fig.4B) comprising a tube (18) comprising a top (connected to 17) and a bottom (connected to 19), said tapered light tube rectilinear along its entire length (Fig. 4A-4D); and

a skylight (17) at said top of said tube.

O'Neill does not disclose wherein the tube is wider at said top than at said bottom.

The article discloses a skylight with a tapered tube which is wider at the top than said bottom (Page 6, first photo and first paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the skylight system of O'Neill with a tapered light tube, which is taper from top to bottom making the top of the tube wider so the light tube is capable of collecting more light into the tube throughout the day. The wider top of the tube will allow a larger skylight on top of the tube and will therefore collect more rays of light to reflect down into the room below. This will also allow the light tube to be installed from the roof of the building and not only from inside of the building up above the ceiling in between the rafters and roof trusses.

**Claim 16:**

O'Neill in view of Curtis discloses the skylight system of claim 1, O'Neill also discloses wherein said light tube further comprises a reflective interior (Column 7, lines 13-16).

**Claim 38:**

O'Neill in view of Curtis discloses the skylight system of claim 1, O'Neill also discloses wherein said skylight comprises a dome (Column 7, lines 5-10; Column 12, lines 15-20).

**Claims 3-4:**



O'Neill in view of Curtis discloses the skylight system of claim 38, O'Neill also discloses wherein said dome comprises a diffused dome and said dome is a completely diffused dome on its interior (Column 7, lines 5-10; a translucent structure would be a completely diffused structure).

**Claim 45:**

O'Neill in view of Curtis discloses the skylight system of claim 3, O'Neill also discloses wherein said diffused dome comprises a randomly diffused dome (Column 7, lines 3-10; Column 12, lines 16-18; the different shapes of domes as well as colored domes, partially transparent domes, etc. will lead to random diffusion of the light passing through the dome).

**Claim 39:**

O'Neill in view of Curtis discloses the skylight system of claim 3, O'Neill also discloses wherein the skylight comprises a diffuser at said bottom (20, Fig.4B).

**Claims 7-8:**

O'Neill in view of Curtis discloses the skylight system of claim 39, wherein said bottom diffuser comprises complete diffusion on its interior (Column m7, lines 28-31) and that diffusion comprises a prismatic diffuser (Column 7, lines 28-31).

**Claim 10:**

O'Neill in view of Curtis discloses the skylight system of claim 39, O'Neill also discloses further comprising a skylight (17, Fig.4B) at said top and wherein said tapered light tube is sealed (Column 8, lines 20-26; Column 11, lines 40-45) to said skylight and said tapered light tube is sealed to said bottom diffuser (Column 8, lines 20-26; Column 11, lines 40-45), resulting in a completely sealed skylight system (the use of tapes and sealants that prevent the entrance of dust, dirt, and moisture are considered permanent sealants).

**Claim 11:**

O'Neill in view of Curtis discloses the skylight system of claim 10, O'Neill also discloses wherein the tube, the skylight, and the diffuser can be stacked during shipping (the tube is tapered which will allow stacking, the skylight takes form of multiple shaped, specifically a dome or pyramidal shape which allow stacking, and a diffuser plate can be stacked as well).

The claim does not add structural limitations that further limit the completed skylight system.

**Claim 40:**

O'Neill in view of Curtis discloses the skylight system of claim 1, O'Neill also discloses wherein the light tube (18, Fig.4B) comprises direct contact with the roof with no flashing (the top of the tube directly contacts the roof without installing a flashing member as seen in Fig.4B; although O'Neill later discloses using a flashing member on

the roof, the tube does contact the roof directly without a flashing as recited in the claims).

**Claim 30:**

O'Neill discloses a method of assembly of a skylight system on a roof comprising:

providing a skylight system comprising a rectilinear, tapered light tube (18, Fig.4B) with a top (tube attached to 17) and a bottom (tube attached to 20);

disposing a diffuser (20) to the light tube at the bottom of the light tube;

cutting a hole in the roof (hole in which the top of the tube extends through, Fig.4B);

contacting the tube directly with the roof using no flashing (the top of the tube directly contacts the roof without installing a flashing member as seen in Fig.4B; although O'Neill later discloses using a flashing member on the roof, the tube does contact the roof directly without a flashing as recited in the claims); and

disposing a completely diffused dome (Column 7, lines 5-10; Column 12, lines 15-20) atop the light tube.

O'Neill does not disclose lowering the skylight system through the hole in the roof.

The article discloses a skylight with a tapered tube which is wider at the top than said bottom (Page 6, first photo and first paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the skylight system of O'Neill with a tapered light tube, which is taper from top to bottom making the top of the tube wider so the light tube is capable of collecting more light into the tube throughout the day. The wider top of the tube will allow a larger skylight on top of the tube and will therefore collect more rays of light to reflect down into the room below. This will also allow the light tube to be installed from the roof of the building and not only from inside of the building up above the ceiling in between the rafters and roof trusses. The light tube will be capable of being lowered through the hole in the roof, providing easier installation of the skylight system. This will prevent the installer from needing to access the roof through the ceiling and perform work while in the rafters building, reducing the risk of injury.

**Claim 31:**

O'Neill in view of Curtis discloses the skylight system of claim 30, the article discloses the light tube being wider at the top than the bottom which will allow the tube to be inserted through the roof and come to a stop when the area of the tube equals the area of the hole cut into the roof, providing ease of installation of the skylight system.

**Claim 32:**

O'Neill in view of Curtis discloses the skylight system of claim 30, O'Neill also discloses wherein disposing a diffuser to the light tube comprises permanently sealing the diffuser to the light tube (Column 8, lines 20-26; Column 11, lines 40-45); and

wherein disposing a dome atop the light tube comprises permanently sealing the dome atop the light tube (Column 8, lines 20-26; Column 11, lines 40-45);

resulting in a permanently sealed skylight system (the use of tapes and sealants that prevent the entrance of dust, dirt, and moisture are considered permanent sealants).

**Claim 37:**

O'Neill in view of Curtis discloses the skylight system of claim 30, O'Neill also discloses adhering the light tube to the roof (Column 11, line 38-39).

**Claim 47:**

O'Neill in view of Curtis discloses the skylight system of claim 30, O'Neill also discloses wherein disposing a completely diffused dome atop the light tube comprises disposing a completely (Column 7, lines 5-10; a translucent structure would be a completely diffused structure) and randomly (Column 7, lines 3-10; Column 12, lines 16-18; the different shapes of domes as well as colored domes, partially transparent domes, etc. will lead to random diffusion of the light passing through the dome) diffused dome atop the light tube.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of Sophie Curtis article in view of USPN 2,858,734 to Boyd.**

**Claim 5:**

O'Neill in view of Curtis discloses the skylight system of claim 38, but does not disclose wherein said diffused dome comprises a prismatic diffuser.

Boyd discloses said dome comprises a prismatic diffuser (Column 3, lines 5-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a top dome of the skylight system of O'Neill including a prismatic diffuser taught by Boyd, which scatters the light into the tube at angles causing the light to continue down the light tube. Using a diffuser is an idea well known in the art of skylights and lights in general.

**Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of USPN 2,858,734 to Boyd.**

**Claim 21:**

O'Neill discloses the skylight of claim 18, but does not disclose wherein said diffused dome comprises a prismatic diffuser.

Boyd discloses said dome comprises a prismatic diffuser (Column 3, lines 5-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a top dome of the skylight system of Martinet including a prismatic diffuser taught by Boyd, which scatters the light into the tube at

angles causing the light to continue down the light tube. Using a diffuser is an idea well known in the art of skylights and lights in general.

**Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of Sophie Curtis article in view of USPN 6,604,329 B2 to Hoy et al.**

**Claim 17:**

O'Neill in view of Curtis discloses the skylight system of claim 1, O'Neill does not disclose wherein a back of said top of said light tube is higher than a front of said top of said light tube.

Hoy et al. teaches wherein a back of said top of said light tube is higher than a front of said top of said light tube (Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a light tube in which the back of the tube is higher than the front of the tube causing the tube to form to the shape of a slant roof. Also a slant tube is known to collect more light at a desired angle to direct the light down the tube. The idea of the shape of the tube is well known and is merely a design choice.

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of USPN 6,604,329 B2 to Hoy et al.**

**Claim 29:**

O'Neill discloses the skylight system of claim 18, O'Neill does not disclose wherein a back of said top of said light tube is higher than a front of said top of said light tube.

Hoy et al. teaches wherein a back of said top of said light tube is higher than a front of said top of said light tube (Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a light tube in which the back of the tube is higher than the front of the tube causing the tube to form to the shape of a slant roof. Also a slant tube is known to collect more light at a desired angle to direct the light down the tube. The idea of the shape of the tube is well known and is merely a design choice.

**Claims 12, 15, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of Sophie Curtis article in view of USPN 5,596,848 to Lynch.**

**Claims 12, 15, and 33:**

O'Neill in view of Curtis discloses the skylight system of claims 38 and 30, but does not disclose wherein said top dome comprises a notch system and said



tapered light tube is disposed within said notch system per claims 12 and 33 or wherein the notch system further comprises a gasket per claims 15.

Lynch teaches wherein said top dome comprises a notch system (30,37, Fig.4) and said tapered light tube is disposed within said notch system per claim 12 or wherein the notch system further comprises a gasket (36, Fig.6) per claim 15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a notch system on the bottom of the dome, which mates with the top of the tapered tube and creates a more secure connection and seal between the two. It is also obvious to include a gasket in this notch system to seal the opening between the dome and the tube. The use of mating edges, such as a notch and a lip, as well as gaskets to seal the mating edges are two extremely well known practices.

**Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of USPN 5,596,848 to Lynch.**

**Claims 24 and 26:**

O'Neill in view of Curtis discloses the skylight system of claims 18, but does not disclose wherein said top dome comprises a notch system and said tapered light tube is disposed within said notch system per claims 24 or wherein the notch system further comprises a gasket per claims 26.

Lynch teaches wherein said top dome comprises a notch system (30,37, Fig.4) and said tapered light tube is disposed within said notch system per claim 12 or wherein the notch system further comprises a gasket (36, Fig.6) per claim 15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a notch system on the bottom of the dome, which mates with the top of the tapered tube and creates a more secure connection and seal between the two. It is also obvious to include a gasket in this notch system to seal the opening between the dome and the tube. The use of mating edges, such as a notch and a lip, as well as gaskets to seal the mating edges are two extremely well known practices.

**Claims 13-14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of Sophie Curtis article in view of USPN 5,896,713 to Chao et al.**

**Claim 13, 14, and 34:**

O'Neill in view of Curtis discloses the skylight system of claim 39 and 30, but he does not disclose wherein said bottom diffuser comprises a notch system and said tapered light tube is disposed within said notch system per claims 13 and 34 or wherein the notch system further comprises a gasket per claims 14.

Chao et al. teaches wherein said bottom diffuser comprises a notch system (26, Fig.5) and said tapered light tube is disposed within said notch system per claim 13 or wherein the notch system further comprises a gasket (94, Fig.5) per claim 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a notch system on the top of the bottom diffuser, which mates with the bottom of the tapered tube and creates a more secure connection and seal between the two. It is also obvious to include a gasket in this notch system to seal the opening between the bottom diffuser and the tube. The use of mating edges, such as a notch and a lip, as well as gaskets to seal the mating edges are two extremely well known practices.

**Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of USPN 5,896,713 to Chao et al.**

**Claim 25 and 27:**

O'Neill discloses the skylight system of claim 18, but he does not disclose wherein said bottom diffuser comprises a notch system and said tapered light tube is disposed within said notch system per claim 25 or wherein the notch system further comprises a gasket per claim 27.

Chao et al. teaches wherein said bottom diffuser comprises a notch system (26, Fig.5) and said tapered light tube is disposed within said notch

system per claim 13 or wherein the notch system further comprises a gasket (94, Fig.5) per claim 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a notch system on the top of the bottom diffuser, which mates with the bottom of the tapered tube and creates a more secure connection and seal between the two. It is also obvious to include a gasket in this notch system to seal the opening between the bottom diffuser and the tube. The use of mating edges, such as a notch and a lip, as well as gaskets to seal the mating edges are two extremely well known practices.

**Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of Sophie Curtis article in view of USPN 6,351,923 B1 to Peterson.**

**Claim 35:**

O'Neill in view of Curtis discloses the skylight system of claim 10, but does not disclose said light tube includes a desiccant or an inert gas disposed therein.

Peterson discloses a desiccant (42, Fig.2) and an inert gas (Column 1, lines 27-30) disposed therein.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the skylight system of O'Neill including a

desiccant and an inert gas disposed within the tube of the skylight taught by Peterson. Desiccants are notoriously well known in the art to be used to reduce the amount of moisture build up in sealed of spaces. The desiccant will prevent condensation from developing inside of the skylight tube due to the change in temperature of the gas inside of the tube. Inert gases increase the insulation of the skylight system reducing the heat flow through the system, in turn reducing heat loss from the building that the skylight system is installed.

**Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,363,667 B2 to O'Neill in view of USPN 6,351,923 B1 to Peterson.**

**Claim 36:**

O'Neill discloses the skylight system of claim 10, but does not disclose said light tube includes a desiccant or an inert gas disposed therein.

Peterson discloses a desiccant (42, Fig.2) and an inert gas (Column 1, lines 27-30) disposed therein.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the skylight system of O'Neill including a desiccant and an inert gas disposed within the tube of the skylight taught by Peterson. Desiccants are notoriously well known in the art to be used to reduce the amount of moisture build up in sealed of spaces. The desiccant will prevent condensation from developing inside of the skylight tube due to the change in

temperature of the gas inside of the tube. Inert gases increase the insulation of the skylight system reducing the heat flow through the system, in turn reducing heat loss from the building that the skylight system is installed.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 18, and 30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Basil Katcheves can be reached on (571)272-6846. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635

RDK

/Ryan D Kwiecinski/  
Examiner, Art Unit 3635